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State Bar Court of California Hearing Department Los Angeles DISBARMENT			PUBLIC MATTER
Counsel For The State Bar Eli D. Morgenstern Senior Trial Counsel State Bar of California 1149 S. Hill St. Los Angeles, CA 90015-2299 (213) 765-1334 Bar # 190560	Case Number(s): 12-O-13890-RAH	For Court use only <div style="text-align: center;"> FILED APR 26 2013 STATE BAR COURT CLERK'S OFFICE LOS ANGELES </div>	
In Pro Per Respondent Harvey Raymond Hasson 230 Desert Falls Drive East Palm Desert, CA 92211 (760) 341-4079 Bar # 37346	Submitted to: Settlement Judge STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING; ORDER OF INVOLUNTARY INACTIVE ENROLLMENT DISBARMENT <input type="checkbox"/> PREVIOUS STIPULATION REJECTED		
In the Matter of: Harvey Raymond Hasson Bar # 37346 A Member of the State Bar of California (Respondent)			

Note: All information required by this form and any additional information which cannot be provided in the space provided, must be set forth in an attachment to this stipulation under specific headings, e.g., "Facts," "Dismissals," "Conclusions of Law," "Supporting Authority," etc.

A. Parties' Acknowledgments:

- (1) Respondent is a member of the State Bar of California, admitted September 1, 1965.
- (2) The parties agree to be bound by the factual stipulations contained herein even if conclusions of law or disposition are rejected or changed by the Supreme Court.
- (3) All investigations or proceedings listed by case number in the caption of this stipulation are resolved by this stipulation and are deemed consolidated. Dismissed charge(s)/count(s) are listed under "Dismissals." The stipulation consists of (10) pages, not including the order.


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- (4) A statement of acts or omissions acknowledged by respondent as cause or causes for discipline is included under "Facts."
- (5) Conclusions of law, drawn from and specifically referring to the facts are also included under "Conclusions of Law."
- (6) The parties must include supporting authority for the recommended level of discipline under the heading "Supporting Authority."
- (7) No more than 30 days prior to the filing of this stipulation, respondent has been advised in writing of any pending investigation/proceeding not resolved by this stipulation, except for criminal investigations.
- (8) Payment of Disciplinary Costs—Respondent acknowledges the provisions of Bus. & Prof. Code §§6086.10 & 6140.7. (Check one option only):
- ☒ Costs to be awarded to the State Bar.
- ☐ Costs are waived in part as set forth in a separate attachment entitled "Partial Waiver of Costs".
- ☐ Costs are entirely waived.
- (9) ORDER OF INACTIVE ENROLLMENT:
The parties are aware that if this stipulation is approved, the judge will issue an order of inactive enrollment under Business and Professions Code section 6007, subdivision (c)(4), and Rules of Procedure of the State Bar, rule 5.111(D)(1).

B. Aggravating Circumstances [for definition, see Standards for Attorney Sanctions for Professional Misconduct, standard 1.2(b)]. Facts supporting aggravating circumstances are required.

- (1) ☒ **Prior record of discipline** See page 7 for further discussion regarding prior record of discipline.
- (a) ☒ State Bar Court case # of prior case 07-O-14408, 08-O-11666, 08-O-12712
- (b) ☒ Date prior discipline effective May 29, 2010
- (c) ☒ Rules of Professional Conduct/ State Bar Act violations: Rules of Professional Conduct 3-110(A); 3-700(A)(2); 4-100(A); Business and Professions Code sections 6068(m) and 6106.
- (d) ☒ Degree of prior discipline two years stayed suspension, three years of probation subject to conditions including a one year actual suspension.
- (e) ☒ If respondent has two or more incidents of prior discipline, use space provided below:
- Please see page 8 for discussion regarding Respondent's second discipline.
- (2) ☐ **Dishonesty:** Respondent's misconduct was surrounded by or followed by bad faith, dishonesty, concealment, overreaching or other violations of the State Bar Act or Rules of Professional Conduct.
- (3) ☐ **Trust Violation:** Trust funds or property were involved and respondent refused or was unable to account to the client or person who was the object of the misconduct for improper conduct toward said funds or property.
- (4) ☐ **Harm:** Respondent's misconduct harmed significantly a client, the public or the administration of justice.

- (5) ☐ **Indifference:** Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct.
- (6) ☐ **Lack of Cooperation:** Respondent displayed a lack of candor and cooperation to victims of his/her misconduct or to the State Bar during disciplinary investigation or proceedings.
- (7) ☐ **Multiple/Pattern of Misconduct:** Respondent's current misconduct evidences multiple acts of wrongdoing or demonstrates a pattern of misconduct.
- (8) ☐ **No aggravating circumstances** are involved.

Additional aggravating circumstances:

C. Mitigating Circumstances [see standard 1.2(e)]. Facts supporting mitigating circumstances are required.

- (1) ☐ **No Prior Discipline:** Respondent has no prior record of discipline over many years of practice coupled with present misconduct which is not deemed serious.
- (2) ☐ **No Harm:** Respondent did not harm the client or person who was the object of the misconduct.
- (3) ☐ **Candor/Cooperation:** Respondent displayed spontaneous candor and cooperation with the victims of his/her misconduct and to the State Bar during disciplinary investigation and proceedings.
- (4) ☐ **Remorse:** Respondent promptly took objective steps spontaneously demonstrating remorse and recognition of the wrongdoing, which steps were designed to timely atone for any consequences of his/her misconduct.
- (5) ☐ **Restitution:** Respondent paid \$ _____ on _____ in restitution to _____ without the threat or force of disciplinary, civil or criminal proceedings.
- (6) ☐ **Delay:** These disciplinary proceedings were excessively delayed. The delay is not attributable to respondent and the delay prejudiced him/her.
- (7) ☐ **Good Faith:** Respondent acted in good faith.
- (8) ☐ **Emotional/Physical Difficulties:** At the time of the stipulated act or acts of professional misconduct respondent suffered extreme emotional difficulties or physical disabilities which expert testimony would establish was directly responsible for the misconduct. The difficulties or disabilities were not the product of any illegal conduct by the member, such as illegal drug or substance abuse, and respondent no longer suffers from such difficulties or disabilities.
- (9) ☐ **Severe Financial Stress:** At the time of the misconduct, respondent suffered from severe financial stress which resulted from circumstances not reasonably foreseeable or which were beyond his/her control and which were directly responsible for the misconduct.
- (10) ☐ **Family Problems:** At the time of the misconduct, respondent suffered extreme difficulties in his/her personal life which were other than emotional or physical in nature.
- (11) ☐ **Good Character:** Respondent's good character is attested to by a wide range of references in the legal and general communities who are aware of the full extent of his/her misconduct.

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- (12) ☐ **Rehabilitation:** Considerable time has passed since the acts of professional misconduct occurred followed by convincing proof of subsequent rehabilitation.
- (13) ☐ **No mitigating circumstances** are involved.

Additional mitigating circumstances:

See page 8 for further discussion regarding additional mitigating circumstances.

D. Discipline: Disbarment.

E. Additional Requirements:

- (1) **Rule 9.20, California Rules of Court:** Respondent must comply with the requirements of rule 9.20, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.
- (2) ☒ **Restitution:** Respondent must make restitution to _____ in the amount of \$ _____ plus 10 percent interest per year from _____. If the Client Security Fund has reimbursed _____ for all or any portion of the principal amount, respondent must pay restitution to CSF of the amount paid plus applicable interest and costs in accordance with Business and Professions Code section 6140.5. Respondent must pay the above restitution and furnish satisfactory proof of payment to the State Bar's Office of Probation in Los Angeles no later than _____ days from the effective date of the Supreme Court order in this case. See page 10 for further discussion regarding restitution.
- (3) ☐ **Other:**

ATTACHMENT TO
STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: HARVEY RAYMOND HASSON

CASE NUMBER: 12-O-13890

FACTS AND CONCLUSIONS OF LAW.

Respondent admits that the following facts are true and that he is culpable of violations of the specified statute.

Case No. 12-O-13890 (State Bar Investigation)

Facts:

1. On December 5, 2009, Respondent and the State Bar entered into a Stipulation Re: Facts, Conclusions of Law, and Disposition in case numbers 07-O-14408, et al. (the "Stipulation").
2. On December 21, 2009, the State Bar Court filed an Order approving the Stipulation (as modified) and recommending the discipline set forth in it to the California Supreme Court.
3. On April 29, 2010, the California Supreme Court issued its Order No. S180461 (the "Disciplinary Order") and ordered that Respondent be suspended from the practice of law for two years, that execution of the suspension be stayed, and that Respondent be placed on probation for three years subject to certain conditions, including that he be actually suspended for one year. Respondent was properly served with the Disciplinary Order and received it. On May 29, 2010, the Disciplinary Order became effective.
4. As a condition of probation, Respondent was required to submit written quarterly reports to the Office of Probation of the State Bar of California ("Office of Probation") on each January 10, April 10, July 10, and October 10 of the period of probation, stating under penalty of perjury his compliance with the State Bar Act, the Rules of Professional Conduct, and all conditions of probation during the preceding calendar quarter.
5. On July 30, 2012, Respondent submitted the quarterly reports which were due on January 10, 2012, April 10, 2012, and July 10, 2012 to the Office of Probation.
6. As a condition of probation, Respondent was required to submit a Client Funds Certificate, or a statement written under penalty of perjury that Respondent did not possess any client funds, property or securities (the "No Client Funds Statement") to the Office of Probation on each January 10, April 10, July 10, and October 10 of the period of probation.
7. On July 30, 2012, Respondent submitted the No Client Funds Statements which were due on January 10, 2012, April 10, 2012, and July 10, 2012 to the Office of Probation.

8. As a condition of probation, Respondent was required to pay restitution of \$110 monthly to a single payee, and to submit proof of payment to the Office of Probation quarterly on each January 10, April 10, July 10, and October 10 of the period of probation.

9. Respondent has not made any restitution payments to the payee; consequently, Respondent did not submit the proofs of restitution payments due on January 10, April 10, and July 10, 2012 to the Office of Probation. At no time did Respondent file a motion with the State Bar Court seeking to modify the restitution requirements in the Disciplinary Order.

Conclusions of Law:

10. By failing to comply with the conditions of probation in the Disciplinary Order, Respondent willfully violated Business and Professions Code, section 6068(k).

ADDITIONAL FACTS RE AGGRAVATING CIRCUMSTANCES.

Prior Record of Discipline (Std. 1.2(b)(i)): Respondent has been a member of the State Bar since September 1, 1965, and has been disciplined on two prior occasions.

Effective May 29, 2010, the California Supreme Court ordered that Respondent be suspended from the practice of law in California for two years, that execution of the suspension be stayed, and that he be placed on probation for three years subject to certain conditions, including a one-year actual suspension. The discipline resulted from Respondent's misconduct in case numbers 07-O-14408, 08-O-11666, and 08-O-12712. Respondent's misconduct consisted of violations of Rules of Professional Conduct, rule 3-110(A) (failure to perform), rule 3-700(D)(1) (failure to return client file), rule 3-700(D)(2) (improper withdrawal from employment), and rule 4-100(A), (failure to maintain client funds in trust), as well as Business and Professions Code, section 6068(m) (failure to communicate adequately with a client) and section 6106 (misappropriation). Respondent's misconduct occurred between 2004 and 2007.

Effective August 26, 2012, the California Supreme Court ordered that Respondent be suspended from the practice of law in California for three years, that execution of the suspension be stayed, and that he be placed on probation for three years, subject to certain conditions, including a 15-month actual suspension and until he makes restitution to a single payee (including the principal amount, plus interest of 10% per annum), and until Respondent complies with Standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct. The discipline resulted from Respondent's misconduct in case number 11-O-19325, which consisted of violating Business and Professions Code, section 6068(k) (failure to comply with the conditions of a disciplinary probation). In case number 11-O-19325, Respondent violated various conditions in the same Disciplinary Order at issue in this proceeding. The probation violations occurred in 2011.

ADDITIONAL FACTS RE MITIGATING CIRCUMSTANCES.

Additional Mitigating Circumstances: Respondent is entitled to mitigation for entering into this Stipulation re: Facts, Conclusions of Law, and Disposition. (*In the Matter of Riordan* (Review Dept. 2007) 5 Cal. State Bar Ct. Rptr. 41, 50.)

AUTHORITIES SUPPORTING DISCIPLINE.

The Standards for Attorney Sanctions for Professional Misconduct ("Standards") provide a "process of fixing discipline" pursuant to a set of written principles to "better discharge the purposes of attorney discipline as announced by the Supreme Court." (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, Introduction (all further references to standards are to this source).) The primary purposes of disciplinary proceedings and of the sanctions imposed are "the protection of the public, the courts and the legal profession; the maintenance of high professional standards by attorneys and the preservation of public confidence in the legal profession." (*In re Morse* (1995) 11 Cal.4th 184, 205; std. 1.3.)

Although not binding, the standards are entitled to "great weight" and should be followed "whenever possible" in determining level of discipline. (*In re Silvertown* (2005) 36 Cal.4th 81, 92, quoting *In re Brown* (1995) 12 Cal.4th 205, 220 and *In re Young* (1989) 49 Cal.3d 257, 267, fn. 11.) Adherence to the standards in the great majority of cases serves the valuable purpose of eliminating disparity and assuring consistency, that is, the imposition of similar attorney discipline for instances of similar attorney misconduct. (*In re Naney* (1990) 51 Cal.3d 186, 190.) Any discipline recommendation different from that set forth in the applicable standards should clearly explain the reasons for the deviation. (*Blair v. State Bar* (1989) 49 Cal.3d 762, 776, fn. 5.)

Here, the applicable standard is found in Standard 2.6(a), which applies to Respondent's violation of Business and Professions Code, section 6068(k). Standard 2.6(a) provides that culpability of a member of a violation of Business and Professions Code, section 6068 shall result in disbarment or suspension depending on the gravity of the offense or the harm, if any, to the victim, with due regard for the purposes of imposing discipline as set forth in Standard 1.3. By violating the conditions of probation in the Disciplinary Order, Respondent failed to comply with the orders of the California Supreme Court, and thereby harmed the administration of justice. Moreover, this is the second time that Respondent has been disciplined for violating the conditions of probation in the Disciplinary Order. Thus, Respondent has demonstrated by his conduct that he is unable to comply with the disciplinary orders of the Supreme Court.

Respondent has been disciplined on two prior occasions. Standard 1.7(b) provides that if a member is found culpable of professional misconduct in any proceeding in which discipline may be imposed and the member has a record of two prior impositions of discipline, the degree of discipline in the current proceeding shall be disbarment unless the most compelling mitigating circumstances clearly predominate. Respondent's inability to comply with the conditions of probation in the Disciplinary Order demonstrates that he is no longer a candidate for probation or suspension. Respondent is entitled to mitigation for entering into this Stipulation. However, Respondent's cooperation is not sufficiently compelling to warrant a deviation from Standard 1.7(b). Respondent has been provided two opportunities to comply with the Supreme Court's Disciplinary Order, and was unable to do so on both occasions. Pursuant to Standard 1.7(b), Respondent's disbarment is warranted.

The case law also supports the recommended discipline. In *Twohy v. State Bar* (1989) 48 Cal. 3d 502, the Supreme Court ordered that the attorney be disbarred. In *Twohy*, the attorney failed to perform services for, or communicate with, a client in a criminal matter. The attorney also failed to return unearned fees to the client. The attorney had twice previously been disciplined for misconduct, and was on suspension from the practice of law at the time of the latest charges of misconduct. The Court ordered disbarment, "because the lesser sanctions of probation and suspension 'have proven inadequate

to prevent petitioner from continuing his injurious behavior towards the public.” (*Id.* at p. 516 (quoting *Gary v. State Bar* (1998) 44 Cal.3d 820, 829).)

PENDING PROCEEDINGS.

The disclosure date referred to on page 2, paragraph A(7) was March 28, 2013.

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of the Chief Trial Counsel has informed him that as of March 28, 2013, the prosecution costs in this matter are \$3,349. Respondent further acknowledges that should this stipulation be rejected or should relief from the stipulation be granted, the costs in this matter may increase due to the cost of further proceedings.

RESTITUTION.

Respondent must make restitution to Grossmont Hospital, or its agent, in the principal sum of \$3,796.50 plus 10 percent interest per year from April 14, 2004. If the Client Security Fund (“CSF”) has reimbursed Grossmont Hospital, or its agent, or Jacqueline Lochart, for all or any portion of the principal amount, Respondent must pay restitution to CSF the amount paid plus applicable interest and costs in accordance with Business and Professions Code section 6140.5.

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In the Matter of: Harvey Raymond Hasson	Case number(s): 12-O-13890-RAH
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SIGNATURE OF THE PARTIES


By their signatures below, the parties and their counsel, as applicable, signify their agreement with each of the recitations and each of the terms and conditions of this Stipulation Re Facts, Conclusions of Law, and Disposition.

April 4, 2013
Date


Respondent's Signature

Harvey Raymond Hasson
Print Name

4/8/13
Date

Respondent's Counsel Signature

Deputy Trial Counsel's Signature

Print Name
Eli D. Morgenstern
Print Name

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In the Matter of: Harvey Raymond Hasson	Case Number(s): 12-O-13890-RAH
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DISBARMENT ORDER

Finding the stipulation to be fair to the parties and that it adequately protects the public, IT IS ORDERED that the requested dismissal of counts/charges, if any, is GRANTED without prejudice, and:

- ☐ The stipulated facts and disposition are APPROVED and the DISCIPLINE RECOMMENDED to the Supreme Court.
- ☒ The stipulated facts and disposition are APPROVED AS MODIFIED as set forth below, and the DISCIPLINE IS RECOMMENDED to the Supreme Court.
- ☐ All Hearing dates are vacated.

On page 4 of the stipulation, under the heading "Additional Mitigating Circumstances," delete the numeral "8," and in its place insert the numeral "7."

On page 5 of the stipulation, in paragraph E(2), delete the numeral "10," and in its place insert the numeral "9."

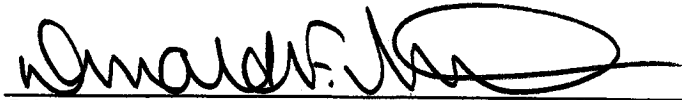
On page 7 at paragraph 8, the term "(Grossmont Hospital)" is inserted following the word, "payee".

The parties are bound by the stipulation as approved unless: 1) a motion to withdraw or modify the stipulation, filed within 15 days after service of this order, is granted; or 2) this court modifies or further modifies the approved stipulation. (See rule 5.58(E) & (F), Rules of Procedure.) **The effective date of this disposition is the effective date of the Supreme Court order herein, normally 30 days after file date. (See rule 9.18(a), California Rules of Court.)**

Respondent is ordered transferred to involuntary inactive status pursuant to Business and Professions Code section 6007, subdivision (c)(4). Respondent's inactive enrollment will be effective three (3) calendar days after this order is served by mail and will terminate upon the effective date of the Supreme Court's order imposing discipline herein, or as provided for by rule 5.111(D)(2) of the Rules of Procedure of the State Bar of California, or as otherwise ordered by the Supreme Court pursuant to its plenary jurisdiction.

Date

4/24/13



DONALD F. MILES
Judge of the State Bar Court

CERTIFICATE OF SERVICE

[Rules Proc. of State Bar; Rule 5.27(B); Code Civ. Proc., § 1013a(4)]

I am a Case Administrator of the State Bar Court of California. I am over the age of eighteen and not a party to the within proceeding. Pursuant to standard court practice, in the City and County of Los Angeles, on April 26, 2013, I deposited a true copy of the following document(s):

STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING

in a sealed envelope for collection and mailing on that date as follows:

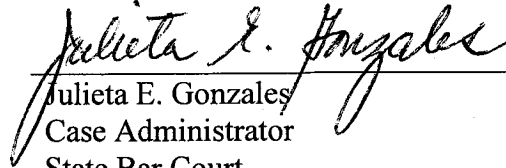
- ☒ by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

HARVEY RAYMOND HASSON ESQ
230 DESERT FALLS DR E
PALM DESERT, CA 92211

- ☒ by interoffice mail through a facility regularly maintained by the State Bar of California addressed as follows:

Eli D. Morgenstern, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on April 26, 2013.


Julieta E. Gonzales
Case Administrator
State Bar Court